

**From:** Richard S. Sternberg  
**To:** Microsoft ATR  
**Date:** 1/2/02 8:44pm  
**Subject:** Microsoft Settlement

What unadulterated poppycock in the Microsoft-written "alert" below! I certainly hope the Court is aware that Microsoft is placing words in the mouths of their self-created support groups.

I have no clients who have retained me to represent them on this issue, and I am speaking only for myself as a citizen, but I am firmly of the view that the proposed settlement will have serious and permanent detrimental effects on computer innovation. After proving monopoly and predatory practices, the DOJ recognizes partisanship and concedes the day, seeking to give Court sanction to the most predatory example of monopolization in U.S. history. The record demonstrates a predatory product thief which takes advantage of the glacial pace of American justice to solidify its market seizures. Worst, the effect of involving the Courts in the process of monopolization will to create a technique that will exceed the imaginations of Rockefeller or the other robber barons' brilliant greed. Even after the effect of this settlement becomes apparent with the elimination of competitors, divestiture may be blocked by res judicata. Sadly, Microsoft will be in a better position than if they had won the trial on monopolization or if DOJ had been disbanded before it wasted millions proving monopolization.

In a mistaken moment of national unity inspired by a terrifying terrorist act, the DOJ seeks to end this dispute. This resolution will cost America far, far more than the cost of a couple of WTC towers.

I truly hope that the Court will reject the settlement.

-- Richard S. Sternberg, Esquire  
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> -=-=- Microsoft message follows -=-=-

>

>

> A FINFlash Alert: The DOJ wants to hear from YOU!

>

> For nearly four years, your voice has been instrumental in the debate over the

> freedom to innovate. Tens of thousands of concerned citizens have

> communicated

> to their public officials about whether the Microsoft case should be settled

> or

> further litigated. Despite the aggressive lobbying efforts of a few of

> Microsofts competitors, the federal government and nine states finally

> reached  
> a comprehensive agreement with Microsoft to address the reduced liability  
> found  
> in the Court of Appeals ruling. This settlement is tough, but reasonable and  
> fair to all parties involved. Consumers overwhelmingly agree that settlement  
> is good for them, the industry and the American economy.  
>  
> However, this settlement is not guaranteed, and your voice is more important  
> than ever.  
>  
> The law (officially called the Tunney Act) requires a public comment period  
> between now and January 28th after which the District Court will determine  
> whether the settlement is in the public interest. Unfortunately, a few  
> special interests are attempting to use this review period to derail the  
> settlement and prolong this litigation even in the midst of uncertain economic  
> times. The last thing the American economy needs is more litigation that  
> benefits only a few wealthy competitors and stifles innovation.  
>  
> Dont let these special interests defeat the public interest.  
>  
> Between now and January 28th, it is critical that the Department of Justice  
> hears from you about the Microsoft settlement. The Department of Justice  
> will  
> then take all public comments and viewpoints and include them in the public  
> record for the District Court to consider. Please send your comments  
> directly  
> to the Department of Justice via email or fax no later than January 28th.  
> Whatever your view of the settlement, it is critical that the government hears  
> directly from consumers. Please take action today to ensure your voice is  
> heard.  
>  
> Email: [microsoft.atr@usdoj.gov](mailto:microsoft.atr@usdoj.gov) . In the Subject line of the e-mail, type  
> Microsoft Settlement.  
>  
> Fax: 1-202-307-1454 or 1-202-616-9937  
>  
> To find out more about the settlement and the Tunney Act comment period, go to  
> the Department of Justice Website at:  
> [http://www.usdoj.gov/atr/cases/ms-settle.](http://www.usdoj.gov/atr/cases/ms-settle.htm)  
> [htm](http://www.usdoj.gov/atr/cases/ms-settle.htm)  
>  
> Thanks for taking the time to make a difference.  
>  
> <http://www.freetoinnovate.com/>  
>  
> -=-=- End Microsoft message -=-=-